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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/838,486 04/07/97 BAEKKESKOV

S 02307U-3122

HM12/0424  
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EXAMINER

TUNG, M

ART UNIT

PAPER NUMBER

1644

DATE MAILED:

04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 1643

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1643.

Claims 1-30 and 43-48 were cancelled by preliminary amendment. Claims 31-42 remain pending and are subject to restriction.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 31-37, drawn to GAD compositions and methods of treatment, classified in class 514, subclass 2+.
- II. Claims 38-40, drawn to methods of treatment using T-cells, classified in class 604, subclass 4.
- III. Claim 41, drawn to T-helper cells, classified in class 435, subclass 372.3.
- IV. Claim 42, drawn to receptor peptides, classified in class 530, subclass 324+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are patentably distinct methods requiring different materials and different process steps.

The method of Group I does not require the product of Group III or of Group IV.

Inventions III and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the

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product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a different process of using, such as in the production of cytokines.

The method of Group II does not require the product of Group IV.

The inventions of Groups III and IV are patentably distinct products having different biological and chemical properties and different functions.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and because the search required for each group is not coextensive with the search required for any other group, and because an undue burden would result if two or more of the groups were to be examined, restriction for examination purposes as indicated is proper.

A telephone call was made to J. Liebescheutz on January 21, 1998, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a

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diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wortman whose telephone number is (703) 308-1032. The examiner can normally be reached on Monday through Thursday from 8:00 am to 5:30 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode, can be reached on (703) 308-4311. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

  
Donna C. Wortman, Ph.D.

February 10, 1998